

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-203-JRG
)	
MICRON TECHNOLOGY, INC.; MICRON)	JURY TRIAL DEMANDED
SEMICONDUCTOR PRODUCTS, INC.;)	
MICRON TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	
)	

**PLAINTIFF NETLIST’S RESPONSE TO MICRON’S OBJECTIONS TO REPORT
AND RECOMMENDATIONS GRANTING NETLIST’S MOTIONS FOR
SUMMARY JUDGMENT ON ESSENTIALITY AND BREACH OF RAND**

Plaintiff Netlist, Inc. (“Netlist”) submits the following response to Defendants’ Objections (Dkt. 441) to Magistrate Judge Payne’s Report and Recommendations (Dkt. 421) granting Netlist’s Motion for Summary Judgment that the Asserted Patents are Not Essential (Dkt. 276) and Netlist’s Motion for Summary Judgment Dismissing Micron’s Affirmative Defense of Breach of RAND Obligation or in the Alternative for Severance (Dkt. 280). Micron’s Objections to Judge Payne’s Recommendations do not include any evidence or even argument that the asserted patents are standard-essential. Micron also does not dispute that Summary Judgment on its Breach of RAND Defense is proper if the patents are not essential. Netlist further disagrees with Micron’s objections for the reasons stated in its briefing on the Motions subject to Judge Payne’s Order, incorporated by reference herein. Dkts. 276, 344, 280, 342.

Dated: January 30, 2024

Respectfully submitted,

/s/ Jason G. Sheasby

Samuel F. Baxter
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
Jennifer L. Truelove

Texas State Bar No. 24012906
jtruelove@mckoolsmith.com
MCKOOL SMITH, P.C.
104 East Houston Street Suite 300
Marshall, TX 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Jason G. Sheasby (*pro hac vice*)
jsheasby@irell.com
Annita Zhong, Ph.D. (*pro hac vice*)
hzhong@irell.com
Andrew J. Strabone (*pro hac vice*)
AStrabone@irell.com
Thomas C. Werner (*pro hac vice*)
twerner@irell.com
Yanan Zhao (*pro hac vice*)
yzhao@irell.com
Michael W. Tezyan (*pro hac vice*)
mtezyan@irell.com

IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Tel. (310) 277-1010
Fax (310) 203-7199

Attorneys for Plaintiff Netlist, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all counsel of record
via the Court's ECF System.

/s/ Isabella Chestney
Isabella Chestney